

AMENDED IN SENATE AUGUST 2, 2010

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 219**

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**Introduced by Assembly Member Ruskin**

February 4, 2009

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An act to amend Section 5341.5 of, *and to add Section 906 to*, the Food and Agricultural Code, relating to ~~pest control~~ agriculture.

LEGISLATIVE COUNSEL'S DIGEST

AB 219, as amended, Ruskin. ~~Pest—~~*State Board of Food and Agriculture: member qualification and conflicts: pest control: plant quarantine inspection stations.*

*(1) Existing law establishes in state government the State Board of Food and Agriculture, which consists of 15 members, composed as specified, appointed by the Governor.*

*This bill would provide that public officers associated with any area of government, including agriculture, and whether elected or appointed, may be appointed to, and may serve contemporaneously as members of, the board. The bill would prohibit certain members of the board from participating in any board action that involves themselves or any agricultural entity with which they are connected as director, officer, or employee, or in which they have a financial interest in the decision within the meaning of the Political Reform Act of 1974.*

**Existing**

*(2) Existing law requires every operator of a motor vehicle entering the state with a shipment of any agricultural commodity to have the vehicle and the shipment inspected, and to obtain a certificate of inspection, at the plant quarantine inspection station nearest the point of entry, except as provided. Existing law subjects the operator of the*

vehicle and the registered owner of the vehicle, if a different person or legal entity, to *separate* civil penalties of not more than \$1,000 for each violation for failure to obtain the required certificate of inspection.

This bill would increase the civil penalties to not more than \$2,500 for each violation.

Vote: majority. Appropriation: no. Fiscal committee: no.

State-mandated local program: no.

*The people of the State of California do enact as follows:*

1     SECTION 1. Section 906 is added to the Food and Agricultural  
2     Code, to read:

3     906. (a) Public officers associated with any area of  
4     government, including agriculture, and whether elected or  
5     appointed, may be appointed to, and may serve contemporaneously  
6     as members of, the board.

7     (b) No member of the board appointed pursuant to subdivision  
8     (c) or (d) of Section 902 shall participate in any board action that  
9     involves himself or herself or any agricultural entity with which  
10    he or she is connected as a director, officer, or employee, or in  
11    which he or she has a financial interest in the decision within the  
12    meaning of Section 87103 of the Government Code.

13    ~~SECTION 1.~~

14    SEC. 2. Section 5341.5 of the Food and Agricultural Code is  
15    amended to read:

16    5341.5. (a) Every operator of a motor vehicle entering the state  
17    with a shipment of any agricultural commodity shall cause the  
18    vehicle and the shipment to be inspected, and shall obtain a  
19    certificate of inspection, at the plant quarantine inspection station  
20    nearest the point of entry into the state.

21    (b) Failure to obtain the required certificate of inspection shall  
22    subject the operator of the vehicle and the registered owner of the  
23    vehicle, if a different person or legal entity, to separate civil  
24    penalties of not more than two thousand five hundred dollars  
25    (\$2,500) for each violation. In determining the severity of the  
26    penalty to be imposed, the court shall consider any prior violations  
27    of the same nature within the preceding 24 months, the commodity  
28    being transported, and any evidence, including deviation from  
29    normal and usual routes, that the operator of the vehicle  
30    intentionally avoided inspection.

1 (c) Inspection shall not be required when the operator of the  
2 vehicle would be required to travel a distance of 15 miles or more  
3 from normal and usual routes for the particular trip to obtain the  
4 required inspection and certification, or when weather conditions  
5 or road closures on normal and usual routes prevent travel to the  
6 nearest plant quarantine inspection station.

7 (d) Violation of this section is a separate offense from violation  
8 of any other provision of this code and proceedings under this  
9 section shall not be deemed to prevent separate proceedings for  
10 any other offense.

11 (e) Proceedings under this section may be brought by the  
12 secretary or, with the secretary's concurrence, by the district  
13 attorney of the county in which the violation occurred. The civil  
14 penalty shall be awarded to the agency which brings the  
15 enforcement action for use by that agency in enforcing the  
16 provisions of this code.

17 (f) The secretary may, by regulation or executive order, as the  
18 secretary deems advisable, permit exceptions for certain  
19 commodities, areas, and times consistent with the purposes of this  
20 division, patterns of local traffic near border areas, and availability  
21 of inspection stations.

22 (g) Persons holding a valid permit to transport cattle pursuant  
23 to Section 21067 are exempt from this section.